

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NATH & ASSOCIATES, PLLC,) Civil No. 08cv1567 L(JMA)
Plaintiff,) **ORDER STRIKING PLAINTIFF'S**
v.) **MOTION FOR PARTIAL**
HARTFORD CASUALTY INSURANCE) **SUMMARY JUDGMENT [doc. #3]**
COMPANY,)
Defendant.)

)

Plaintiff filed the above-captioned case on August 25, 2008, at which time a summons was issued. On September 19, 2008, plaintiff filed a motion for partial summary judgment. The record does not show that defendant has been served with the summons and complaint. Plaintiff's filing of a dispositive motion is premature and inappropriate when it is filed prior to defendant being served with the complaint and having an opportunity to answer or otherwise respond to the complaint, and prior to the parties engaging in an early neutral evaluation of the case before the magistrate judge. Accordingly, plaintiff's motion for partial summary judgment is **STRICKEN** from the record and the December 8, 2008 motion hearing date is **VACATED**.

IT IS SO ORDERED.

DATED: September 22, 2008


M. James Lorenz
United States District Court Judge

1 COPY TO:

2 HON. JAN M. ADLER
3 UNITED STATES MAGISTRATE JUDGE

4 ALL PARTIES/COUNSEL

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